

House Bill 4100

Sponsored by Representative STARK, Senator LINTHICUM; Representatives POWER, SMITH DB, SPRENGER, WITT, Senator BAERTSCHIGER JR (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows facility providing therapy or counseling that incorporates activities utilizing nonclinical setting to be established in area zoned for exclusive farm use if certain conditions are met.

A BILL FOR AN ACT

1
2 Relating to the siting of facilities that incorporate nonclinical treatment settings; amending ORS
3 215.283.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 215.283 is amended to read:

6 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

7 (a) Churches and cemeteries in conjunction with churches.

8 (b) The propagation or harvesting of a forest product.

9 (c) Utility facilities necessary for public service, including wetland waste treatment systems but
10 not including commercial facilities for the purpose of generating electrical power for public use by
11 sale or transmission towers over 200 feet in height. A utility facility necessary for public service
12 may be established as provided in:

13 (A) ORS 215.275; or

14 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
15 469.300.

16 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
17 farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,
18 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
19 operator does or will require the assistance of the relative in the management of the farm use and
20 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
21 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS
22 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
23 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
24 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
25 shall operate as a partition of the homesite to create a new parcel.

26 (e) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily
27 provided in conjunction with farm use.

28 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
29 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
30 compressors, separators and other customary production equipment for an individual well adjacent
31 to the wellhead. Any activities or construction relating to such operations shall not be a basis for

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 an exception under ORS 197.732 (2)(a) or (b).

2 (g) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or
 3 construction relating to such operations shall not be a basis for an exception under ORS 197.732
 4 (2)(a) or (b).

5 (h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

6 (i) Reconstruction or modification of public roads and highways, including the placement of
 7 utility facilities overhead and in the subsurface of public roads and highways along the public right
 8 of way, but not including the addition of travel lanes, where no removal or displacement of buildings
 9 would occur, or no new land parcels result.

10 (j) Temporary public road and highway detours that will be abandoned and restored to original
 11 condition or use at such time as no longer needed.

12 (k) Minor betterment of existing public road and highway related facilities such as maintenance
 13 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous
 14 public-owned property utilized to support the operation and maintenance of public roads and high-
 15 ways.

16 (L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has
 17 been listed in a county inventory as historic property as defined in ORS 358.480.

18 (m) Creation, restoration or enhancement of wetlands.

19 (n) A winery, as described in ORS 215.452 or 215.453.

20 (o) Farm stands if:

21 (A) The structures are designed and used for the sale of farm crops or livestock grown on the
 22 farm operation, or grown on the farm operation and other farm operations in the local agricultural
 23 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm
 24 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-
 25 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
 26 and

27 (B) The farm stand does not include structures designed for occupancy as a residence or for
 28 activity other than the sale of farm crops or livestock and does not include structures for banquets,
 29 public gatherings or public entertainment.

30 (p) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, restoration or replacement
 31 of a lawfully established dwelling.

32 (q) A site for the takeoff and landing of model aircraft, including such buildings or facilities as
 33 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor
 34 area or placed on a permanent foundation unless the building or facility preexisted the use approved
 35 under this paragraph. The site shall not include an aggregate surface or hard surface area unless
 36 the surface preexisted the use approved under this paragraph. An owner of property used for the
 37 purpose authorized in this paragraph may charge a person operating the use on the property rent
 38 for the property. An operator may charge users of the property a fee that does not exceed the
 39 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model
 40 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
 41 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
 42 ground.

43 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
 44 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
 45 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry

1 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
 2 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
 3 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
 4 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
 5 cable siting standards but the standards may not be applied in a manner that prohibits the siting
 6 of the processing facility or establishment.

7 (s) Fire service facilities providing rural fire protection services.

8 (t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational
 9 facilities, not including parks or other recreational structures and facilities, associated with a dis-
 10 trict as defined in ORS 540.505.

11 (u) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-
 12 cilities or structures that end at the point where the utility service is received by the customer and
 13 that are located on one or more of the following:

14 (A) A public right of way;

15 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-
 16 jacent property owners has been obtained; or

17 (C) The property to be served by the utility.

18 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
 19 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
 20 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
 21 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of
 22 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-
 23 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this
 24 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application
 25 of biosolids is limited to treatment using treatment facilities that are portable, temporary and
 26 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land
 27 application of biosolids is authorized under the license, permit or other approval.

28 (w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to
 29 provide rural law enforcement services primarily in rural areas, including parole and post-prison
 30 supervision, but not including a correctional facility as defined under ORS 162.135.

31 (x) Dog training classes or testing trials, which may be conducted outdoors or in preexisting
 32 farm buildings, when:

33 (A) The number of dogs participating in training does not exceed 10 dogs per training class and
 34 the number of training classes to be held on-site does not exceed six per day; and

35 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of
 36 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

37 (y) A cider business, as described in ORS 215.451.

38 (2) The following nonfarm uses may be established, subject to the approval of the governing body
 39 or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

40 (a) Commercial activities that are in conjunction with farm use, including the processing of farm
 41 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or subsection (1)(r) of this section.

42 (b) Operations conducted for:

43 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas
 44 as defined by ORS 520.005 not otherwise permitted under subsection (1)(f) of this section;

45 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-

1 sources subject to ORS 215.298;

2 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

3 (D) Processing of other mineral resources and other subsurface resources.

4 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the
5 approval of the county governing body or its designee, a private campground may provide yurts for
6 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,
7 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent
8 foundation. Upon request of a county governing body, the Land Conservation and Development
9 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion
10 of the campgrounds in a county if the commission determines that the increase will comply with the
11 standards described in ORS 215.296 (1). As used in this paragraph, "yurt" means a round, domed
12 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or
13 internal cooking appliance.

14 (d) Parks and playgrounds. A public park may be established consistent with the provisions of
15 ORS 195.120.

16 (e) Community centers owned by a governmental agency or a nonprofit community organization
17 and operated primarily by and for residents of the local rural community. A community center au-
18 thorized under this paragraph may provide services to veterans, including but not limited to emer-
19 gency and transitional shelter, preparation and service of meals, vocational and educational
20 counseling and referral to local, state or federal agencies providing medical, mental health, disability
21 income replacement and substance abuse services, only in a facility that is in existence on January
22 1, 2006. The services may not include direct delivery of medical, mental health, disability income
23 replacement or substance abuse services.

24 (f) Golf courses on land:

25 (A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or

26 (B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:

27 (i) Is not otherwise described in ORS 195.300 (10);

28 (ii) Is surrounded on all sides by an approved golf course; and

29 (iii) Is west of U.S. Highway 101.

30 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the
31 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-
32 cility may be established as a commercial utility facility as provided in ORS 215.447.

33 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
34 tenance and service facilities. A personal-use airport, as used in this section, means an airstrip re-
35 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional
36 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-
37 erations. No aircraft may be based on a personal-use airport other than those owned or controlled
38 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be
39 granted through waiver action by the Oregon Department of Aviation in specific instances. A
40 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
41 ject to any applicable rules of the Oregon Department of Aviation.

42 (i) Home occupations as provided in ORS 215.448.

43 (j) A facility for the primary processing of forest products, provided that such facility is found
44 to not seriously interfere with accepted farming practices and is compatible with farm uses de-
45 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is

1 renewable. These facilities are intended to be only portable or temporary in nature. The primary
 2 processing of a forest product, as used in this section, means the use of a portable chipper or stud
 3 mill or other similar methods of initial treatment of a forest product in order to enable its shipment
 4 to market. Forest products, as used in this section, means timber grown upon a parcel of land or
 5 contiguous land where the primary processing facility is located.

6 (k) A site for the disposal of solid waste approved by the governing body of a city or county or
 7 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-
 8 mental Quality together with equipment, facilities or buildings necessary for its operation.

9 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an
 10 existing building, in conjunction with an existing dwelling as a temporary use for the term of a
 11 hardship suffered by the existing resident or a relative of the resident. Within three months of the
 12 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-
 13 ished or, in the case of an existing building, the building shall be removed, demolished or returned
 14 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-
 15 view of the hardship claimed under this paragraph. A temporary residence approved under this
 16 paragraph is not eligible for replacement under subsection (1)(p) of this section.

17 (m) Transmission towers over 200 feet in height.

18 (n)(A) Commercial dog boarding kennels; or

19 (B) Dog training classes or testing trials that cannot be established under subsection (1)(x) of
 20 this section.

21 (o) Residential homes as defined in ORS 197.660, in existing dwellings.

22 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
 23 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
 24 shall not include any species under quarantine by the State Department of Agriculture or the United
 25 States Department of Agriculture. The county shall provide notice of all applications under this
 26 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the
 27 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
 28 tive decision or initial public hearing on the application.

29 (q) Construction of additional passing and travel lanes requiring the acquisition of right of way
 30 but not resulting in the creation of new land parcels.

31 (r) Reconstruction or modification of public roads and highways involving the removal or dis-
 32 placement of buildings but not resulting in the creation of new land parcels.

33 (s) Improvement of public road and highway related facilities, such as maintenance yards, weigh
 34 stations and rest areas, where additional property or right of way is required but not resulting in
 35 the creation of new land parcels.

36 (t) A destination resort that is approved consistent with the requirements of any statewide
 37 planning goal relating to the siting of a destination resort.

38 (u) Room and board arrangements for a maximum of five unrelated persons in existing resi-
 39 dences.

40 (v) Operations for the extraction and bottling of water.

41 (w) Expansion of existing county fairgrounds and activities directly relating to county
 42 fairgrounds governed by county fair boards established pursuant to ORS 565.210.

43 (x) A living history museum related to resource based activities owned and operated by a gov-
 44 ernmental agency or a local historical society, together with limited commercial activities and fa-
 45 cilities that are directly related to the use and enjoyment of the museum and located within

1 authentic buildings of the depicted historic period or the museum administration building, if areas
 2 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
 3 the museum administration buildings and parking lot are located within one quarter mile of an ur-
 4 ban growth boundary. As used in this paragraph:

5 (A) "Living history museum" means a facility designed to depict and interpret everyday life and
 6 culture of some specific historic period using authentic buildings, tools, equipment and people to
 7 simulate past activities and events; and

8 (B) "Local historical society" means the local historical society recognized by the county gov-
 9 erning body and organized under ORS chapter 65.

10 (y) An aerial fireworks display business that has been in continuous operation at its current
 11 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's
 12 permit to sell or provide fireworks.

13 (z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-
 14 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction
 15 with the growing and marketing of nursery stock on the land that constitutes farm use.

16 (aa) Public or private schools for kindergarten through grade 12, including all buildings essential
 17 to the operation of a school, primarily for residents of the rural area in which the school is located.

18 (3) Roads, highways and other transportation facilities and improvements not allowed under
 19 subsections (1) and (2) of this section may be established, subject to the approval of the governing
 20 body or its designee, in areas zoned for exclusive farm use subject to:

21 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable
 22 goal with which the facility or improvement does not comply; or

23 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development
 24 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

25 (4) The following agri-tourism and other commercial events or activities that are related to and
 26 supportive of agriculture may be established in any area zoned for exclusive farm use:

27 (a) A county may authorize a single agri-tourism or other commercial event or activity on a
 28 tract in a calendar year by an authorization that is personal to the applicant and is not transferred
 29 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event
 30 or activity meets any local standards that apply and:

31 (A) The agri-tourism or other commercial event or activity is incidental and subordinate to ex-
 32 isting farm use on the tract;

33 (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72
 34 consecutive hours;

35 (C) The maximum attendance at the agri-tourism or other commercial event or activity does not
 36 exceed 500 people;

37 (D) The maximum number of motor vehicles parked at the site of the agri-tourism or other
 38 commercial event or activity does not exceed 250 vehicles;

39 (E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

40 (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary
 41 structures, or in existing permitted structures, subject to health and fire and life safety require-
 42 ments; and

43 (G) The agri-tourism or other commercial event or activity complies with conditions established
 44 for:

45 (i) Planned hours of operation;

- 1 (ii) Access, egress and parking;
- 2 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-
- 3 ipated use of public roads; and
- 4 (iv) Sanitation and solid waste.
- 5 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
- 6 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
- 7 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
- 8 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
- 9 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
- 10 To approve an expedited, single-event license, the governing body of a county or its designee must
- 11 determine that the proposed agri-tourism or other commercial event or activity meets any local
- 12 standards that apply, and the agri-tourism or other commercial event or activity:
- 13 (A) Must be incidental and subordinate to existing farm use on the tract;
- 14 (B) May not begin before 6 a.m. or end after 10 p.m.;
- 15 (C) May not involve more than 100 attendees or 50 vehicles;
- 16 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 17 (E) May not require or involve the construction or use of a new permanent structure in con-
- 18 nection with the agri-tourism or other commercial event or activity;
- 19 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
- 20 properties consent, in writing, to the location; and
- 21 (G) Must comply with applicable health and fire and life safety requirements.
- 22 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
- 23 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
- 24 use permit that is personal to the applicant and is not transferred by, or transferable with, a
- 25 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
- 26 local standards that apply, and the agri-tourism or other commercial events or activities:
- 27 (A) Must be incidental and subordinate to existing farm use on the tract;
- 28 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 29 (C) May not require that a new permanent structure be built, used or occupied in connection
- 30 with the agri-tourism or other commercial events or activities;
- 31 (D) Must comply with ORS 215.296;
- 32 (E) May not, in combination with other agri-tourism or other commercial events or activities
- 33 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 34 (F) Must comply with conditions established for:
- 35 (i) The types of agri-tourism or other commercial events or activities that are authorized during
- 36 each calendar year, including the number and duration of the agri-tourism or other commercial
- 37 events and activities, the anticipated daily attendance and the hours of operation;
- 38 (ii) The location of existing structures and the location of proposed temporary structures to be
- 39 used in connection with the agri-tourism or other commercial events or activities;
- 40 (iii) The location of access and egress and parking facilities to be used in connection with the
- 41 agri-tourism or other commercial events or activities;
- 42 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
- 43 public roads; and
- 44 (v) Sanitation and solid waste.
- 45 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism

1 or other commercial events or activities that occur more frequently or for a longer period or that
 2 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
 3 commercial events or activities comply with any local standards that apply and the agri-tourism or
 4 other commercial events or activities:

5 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
 6 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;

7 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;

8 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
 9 and

10 (D) Do not exceed 18 events or activities in a calendar year.

11 (5) A holder of a permit authorized by a county under subsection (4)(d) of this section must re-
 12 quest review of the permit at four-year intervals. Upon receipt of a request for review, the county
 13 shall:

14 (a) Provide public notice and an opportunity for public comment as part of the review process;
 15 and

16 (b) Limit its review to events and activities authorized by the permit, conformance with condi-
 17 tions of approval required by the permit and the standards established by subsection (4)(d) of this
 18 section.

19 (6) For the purposes of subsection (4) of this section:

20 (a) A county may authorize the use of temporary structures established in connection with the
 21 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.
 22 However, the temporary structures must be removed at the end of the agri-tourism or other event
 23 or activity. The county may not approve an alteration to the land in connection with an agri-tourism
 24 or other commercial event or activity authorized under subsection (4) of this section, including, but
 25 not limited to, grading, filling or paving.

26 (b) The county may issue the limited use permits authorized by subsection (4)(c) of this section
 27 for two calendar years. When considering an application for renewal, the county shall ensure com-
 28 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and
 29 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
 30 authorized by the permit.

31 (c) The authorizations provided by subsection (4) of this section are in addition to other au-
 32 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-
 33 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial
 34 events and activities.

35 **(7)(a) Subject to ORS 215.296, a facility may be located in an exclusive farm use zone if:**

36 **(A) The facility conducts cognitive, emotional, physical or psychological therapy or**
 37 **counseling;**

38 **(B) The therapy or counseling directly or indirectly incorporates, in whole or in part,**
 39 **activities that use nonclinical settings having farm, agricultural or livestock components;**

40 **(C) No new buildings to facilitate the activities are erected on Class I or Class II soils**
 41 **on high-value farmland;**

42 **(D) The individuals conducting therapy or counseling activities are acting within the**
 43 **proper scope of licenses issued in this state; and**

44 **(E) The facility and activities do not cause the removal of land from active agricultural**
 45 **production. For purposes of this subparagraph, “active agricultural production” does not in-**

1 **clude the stabling or training of equines.**

2 **(b) Therapy or counseling activities that may be conducted at a facility described in this**
 3 **subsection include, but are not limited to:**

4 **(A) The use of equine movement by physical therapists, occupational therapists or**
 5 **speech-language pathologists to address impairments, functional limitations or disabilities in**
 6 **patients with neuromusculoskeletal dysfunction;**

7 **(B) Experimental learning approaches that promote the development of life skills for ed-**
 8 **ucational, professional and personal goals through equine-assisted activities;**

9 **(C) Interactive processes in which a licensed mental health professional working with or**
 10 **as an appropriately credentialed equine professional uses equines to address psychotherapy**
 11 **goals set forth by the mental health professional and the client;**

12 **(D) The use of equines in mounted or ground-based interaction with clients, following the**
 13 **identification of critical dysfunction, to restore mental, physical and psychological health to**
 14 **the client; or**

15 **(E) Physical, occupational, speech and mental health therapy activities that are specif-**
 16 **ically conducted in nonclinical settings, incorporating various mounted or ground-based**
 17 **interaction scenarios with livestock or incorporating other farm, agricultural and livestock**
 18 **setting components, to more effectively facilitate therapy reception in persons aged 18 years**
 19 **or younger.**

20 **SECTION 2.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, section 4,
 21 chapter 148, Oregon Laws 2017, section 6, chapter 253, Oregon Laws 2017, section 2, chapter 393,
 22 Oregon Laws 2017, and section 6, chapter 504, Oregon Laws 2017, is amended to read:

23 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

24 (a) Churches and cemeteries in conjunction with churches.

25 (b) The propagation or harvesting of a forest product.

26 (c) Utility facilities necessary for public service, including wetland waste treatment systems but
 27 not including commercial facilities for the purpose of generating electrical power for public use by
 28 sale or transmission towers over 200 feet in height. A utility facility necessary for public service
 29 may be established as provided in:

30 (A) ORS 215.275; or

31 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
 32 469.300.

33 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
 34 farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,
 35 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
 36 operator does or will require the assistance of the relative in the management of the farm use and
 37 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
 38 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS
 39 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
 40 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
 41 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
 42 shall operate as a partition of the homesite to create a new parcel.

43 (e) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily
 44 provided in conjunction with farm use.

45 (f) Operations for the exploration for and production of geothermal resources as defined by ORS

1 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
 2 compressors, separators and other customary production equipment for an individual well adjacent
 3 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
 4 an exception under ORS 197.732 (2)(a) or (b).

5 (g) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or
 6 construction relating to such operations shall not be a basis for an exception under ORS 197.732
 7 (2)(a) or (b).

8 (h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

9 (i) Reconstruction or modification of public roads and highways, including the placement of
 10 utility facilities overhead and in the subsurface of public roads and highways along the public right
 11 of way, but not including the addition of travel lanes, where no removal or displacement of buildings
 12 would occur, or no new land parcels result.

13 (j) Temporary public road and highway detours that will be abandoned and restored to original
 14 condition or use at such time as no longer needed.

15 (k) Minor betterment of existing public road and highway related facilities such as maintenance
 16 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous
 17 public-owned property utilized to support the operation and maintenance of public roads and high-
 18 ways.

19 (L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has
 20 been listed in a county inventory as historic property as defined in ORS 358.480.

21 (m) Creation, restoration or enhancement of wetlands.

22 (n) A winery, as described in ORS 215.452 or 215.453.

23 (o) Farm stands if:

24 (A) The structures are designed and used for the sale of farm crops or livestock grown on the
 25 farm operation, or grown on the farm operation and other farm operations in the local agricultural
 26 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm
 27 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-
 28 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
 29 and

30 (B) The farm stand does not include structures designed for occupancy as a residence or for
 31 activity other than the sale of farm crops or livestock and does not include structures for banquets,
 32 public gatherings or public entertainment.

33 (p) Alteration, restoration or replacement of a lawfully established dwelling that:

34 (A) Has intact exterior walls and roof structure;

35 (B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to
 36 a sanitary waste disposal system;

37 (C) Has interior wiring for interior lights;

38 (D) Has a heating system; and

39 (E) In the case of replacement:

40 (i) Is removed, demolished or converted to an allowable nonresidential use within three months
 41 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of
 42 the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable
 43 siting standards. However, the standards shall not be applied in a manner that prohibits the siting
 44 of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned
 45 for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the

1 deed records for the county where the property is located a deed restriction prohibiting the siting
 2 of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless
 3 a statement of release is placed in the deed records for the county. The release shall be signed by
 4 the county or its designee and state that the provisions of this paragraph regarding replacement
 5 dwellings have changed to allow the siting of another dwelling. The county planning director or the
 6 director's designee shall maintain a record of the lots and parcels that do not qualify for the siting
 7 of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions
 8 and release statements filed under this paragraph; and

9 (ii) For which the applicant has requested a deferred replacement permit, is removed or demol-
 10 ished within three months after the deferred replacement permit is issued. A deferred replacement
 11 permit allows construction of the replacement dwelling at any time. If, however, the established
 12 dwelling is not removed or demolished within three months after the deferred replacement permit
 13 is issued, the permit becomes void. The replacement dwelling must comply with applicable building
 14 codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to
 15 siting at the time of construction. A deferred replacement permit may not be transferred, by sale
 16 or otherwise, except by the applicant to the spouse or a child of the applicant.

17 (q) A site for the takeoff and landing of model aircraft, including such buildings or facilities as
 18 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor
 19 area or placed on a permanent foundation unless the building or facility preexisted the use approved
 20 under this paragraph. The site shall not include an aggregate surface or hard surface area unless
 21 the surface preexisted the use approved under this paragraph. An owner of property used for the
 22 purpose authorized in this paragraph may charge a person operating the use on the property rent
 23 for the property. An operator may charge users of the property a fee that does not exceed the
 24 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model
 25 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
 26 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
 27 ground.

28 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
 29 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
 30 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
 31 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
 32 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
 33 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
 34 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
 35 cable siting standards but the standards may not be applied in a manner that prohibits the siting
 36 of the processing facility or establishment.

37 (s) Fire service facilities providing rural fire protection services.

38 (t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational
 39 facilities, not including parks or other recreational structures and facilities, associated with a dis-
 40 trict as defined in ORS 540.505.

41 (u) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-
 42 cilities or structures that end at the point where the utility service is received by the customer and
 43 that are located on one or more of the following:

44 (A) A public right of way;

45 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-

1 jacent property owners has been obtained; or

2 (C) The property to be served by the utility.

3 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
4 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
5 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
6 of reclaimed water, agricultural or industrial process water or biosolids, for the onsite treatment
7 of septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural
8 production, or for irrigation in connection with a use allowed in an exclusive farm use zone under
9 this chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land ap-
10 plication of biosolids is limited to treatment using treatment facilities that are portable, temporary
11 and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which
12 land application of biosolids is authorized under the license, permit or other approval.

13 (w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to
14 provide rural law enforcement services primarily in rural areas, including parole and post-prison
15 supervision, but not including a correctional facility as defined under ORS 162.135.

16 (x) Dog training classes or testing trials, which may be conducted outdoors or in preexisting
17 farm buildings, when:

18 (A) The number of dogs participating in training does not exceed 10 dogs per training class and
19 the number of training classes to be held on-site does not exceed six per day; and

20 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of
21 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

22 (y) A cider business, as described in ORS 215.451.

23 (2) The following nonfarm uses may be established, subject to the approval of the governing body
24 or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

25 (a) Commercial activities that are in conjunction with farm use, including the processing of farm
26 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or subsection (1)(r) of this section.

27 (b) Operations conducted for:

28 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas
29 as defined by ORS 520.005 not otherwise permitted under subsection (1)(f) of this section;

30 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-
31 sources subject to ORS 215.298;

32 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

33 (D) Processing of other mineral resources and other subsurface resources.

34 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the
35 approval of the county governing body or its designee, a private campground may provide yurts for
36 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,
37 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent
38 foundation. Upon request of a county governing body, the Land Conservation and Development
39 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion
40 of the campgrounds in a county if the commission determines that the increase will comply with the
41 standards described in ORS 215.296 (1). As used in this paragraph, "yurt" means a round, domed
42 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or
43 internal cooking appliance.

44 (d) Parks and playgrounds. A public park may be established consistent with the provisions of
45 ORS 195.120.

1 (e) Community centers owned by a governmental agency or a nonprofit community organization
 2 and operated primarily by and for residents of the local rural community. A community center au-
 3 thorized under this paragraph may provide services to veterans, including but not limited to emer-
 4 gency and transitional shelter, preparation and service of meals, vocational and educational
 5 counseling and referral to local, state or federal agencies providing medical, mental health, disability
 6 income replacement and substance abuse services, only in a facility that is in existence on January
 7 1, 2006. The services may not include direct delivery of medical, mental health, disability income
 8 replacement or substance abuse services.

9 (f) Golf courses on land:

10 (A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or

11 (B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:

12 (i) Is not otherwise described in ORS 195.300 (10);

13 (ii) Is surrounded on all sides by an approved golf course; and

14 (iii) Is west of U.S. Highway 101.

15 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the
 16 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-
 17 cility may be established as a commercial utility facility as provided in ORS 215.447.

18 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
 19 tenance and service facilities. A personal-use airport, as used in this section, means an airstrip re-
 20 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional
 21 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-
 22 erations. No aircraft may be based on a personal-use airport other than those owned or controlled
 23 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be
 24 granted through waiver action by the Oregon Department of Aviation in specific instances. A
 25 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
 26 ject to any applicable rules of the Oregon Department of Aviation.

27 (i) Home occupations as provided in ORS 215.448.

28 (j) A facility for the primary processing of forest products, provided that such facility is found
 29 to not seriously interfere with accepted farming practices and is compatible with farm uses de-
 30 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is
 31 renewable. These facilities are intended to be only portable or temporary in nature. The primary
 32 processing of a forest product, as used in this section, means the use of a portable chipper or stud
 33 mill or other similar methods of initial treatment of a forest product in order to enable its shipment
 34 to market. Forest products, as used in this section, means timber grown upon a parcel of land or
 35 contiguous land where the primary processing facility is located.

36 (k) A site for the disposal of solid waste approved by the governing body of a city or county or
 37 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-
 38 mental Quality together with equipment, facilities or buildings necessary for its operation.

39 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an
 40 existing building, in conjunction with an existing dwelling as a temporary use for the term of a
 41 hardship suffered by the existing resident or a relative of the resident. Within three months of the
 42 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-
 43 ished or, in the case of an existing building, the building shall be removed, demolished or returned
 44 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-
 45 view of the hardship claimed under this paragraph. A temporary residence approved under this

1 paragraph is not eligible for replacement under subsection (1)(p) of this section.

2 (m) Transmission towers over 200 feet in height.

3 (n)(A) Commercial dog boarding kennels; or

4 (B) Dog training classes or testing trials that cannot be established under subsection (1)(x) of
5 this section.

6 (o) Residential homes as defined in ORS 197.660, in existing dwellings.

7 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
8 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
9 shall not include any species under quarantine by the State Department of Agriculture or the United
10 States Department of Agriculture. The county shall provide notice of all applications under this
11 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the
12 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
13 tive decision or initial public hearing on the application.

14 (q) Construction of additional passing and travel lanes requiring the acquisition of right of way
15 but not resulting in the creation of new land parcels.

16 (r) Reconstruction or modification of public roads and highways involving the removal or dis-
17 placement of buildings but not resulting in the creation of new land parcels.

18 (s) Improvement of public road and highway related facilities, such as maintenance yards, weigh
19 stations and rest areas, where additional property or right of way is required but not resulting in
20 the creation of new land parcels.

21 (t) A destination resort that is approved consistent with the requirements of any statewide
22 planning goal relating to the siting of a destination resort.

23 (u) Room and board arrangements for a maximum of five unrelated persons in existing resi-
24 dences.

25 (v) Operations for the extraction and bottling of water.

26 (w) Expansion of existing county fairgrounds and activities directly relating to county
27 fairgrounds governed by county fair boards established pursuant to ORS 565.210.

28 (x) A living history museum related to resource based activities owned and operated by a gov-
29 ernmental agency or a local historical society, together with limited commercial activities and fa-
30 cilities that are directly related to the use and enjoyment of the museum and located within
31 authentic buildings of the depicted historic period or the museum administration building, if areas
32 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
33 the museum administration buildings and parking lot are located within one quarter mile of an ur-
34 ban growth boundary. As used in this paragraph:

35 (A) "Living history museum" means a facility designed to depict and interpret everyday life and
36 culture of some specific historic period using authentic buildings, tools, equipment and people to
37 simulate past activities and events; and

38 (B) "Local historical society" means the local historical society recognized by the county gov-
39 erning body and organized under ORS chapter 65.

40 (y) An aerial fireworks display business that has been in continuous operation at its current
41 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's
42 permit to sell or provide fireworks.

43 (z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-
44 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction
45 with the growing and marketing of nursery stock on the land that constitutes farm use.

1 (aa) Public or private schools for kindergarten through grade 12, including all buildings essential
 2 to the operation of a school, primarily for residents of the rural area in which the school is located.

3 (3) Roads, highways and other transportation facilities and improvements not allowed under
 4 subsections (1) and (2) of this section may be established, subject to the approval of the governing
 5 body or its designee, in areas zoned for exclusive farm use subject to:

6 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable
 7 goal with which the facility or improvement does not comply; or

8 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development
 9 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

10 (4) The following agri-tourism and other commercial events or activities that are related to and
 11 supportive of agriculture may be established in any area zoned for exclusive farm use:

12 (a) A county may authorize a single agri-tourism or other commercial event or activity on a
 13 tract in a calendar year by an authorization that is personal to the applicant and is not transferred
 14 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event
 15 or activity meets any local standards that apply and:

16 (A) The agri-tourism or other commercial event or activity is incidental and subordinate to ex-
 17 isting farm use on the tract;

18 (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72
 19 consecutive hours;

20 (C) The maximum attendance at the agri-tourism or other commercial event or activity does not
 21 exceed 500 people;

22 (D) The maximum number of motor vehicles parked at the site of the agri-tourism or other
 23 commercial event or activity does not exceed 250 vehicles;

24 (E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

25 (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary
 26 structures, or in existing permitted structures, subject to health and fire and life safety require-
 27 ments; and

28 (G) The agri-tourism or other commercial event or activity complies with conditions established
 29 for:

30 (i) Planned hours of operation;

31 (ii) Access, egress and parking;

32 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-
 33 ipated use of public roads; and

34 (iv) Sanitation and solid waste.

35 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
 36 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
 37 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
 38 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
 39 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
 40 To approve an expedited, single-event license, the governing body of a county or its designee must
 41 determine that the proposed agri-tourism or other commercial event or activity meets any local
 42 standards that apply, and the agri-tourism or other commercial event or activity:

43 (A) Must be incidental and subordinate to existing farm use on the tract;

44 (B) May not begin before 6 a.m. or end after 10 p.m.;

45 (C) May not involve more than 100 attendees or 50 vehicles;

1 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

2 (E) May not require or involve the construction or use of a new permanent structure in con-
3 nection with the agri-tourism or other commercial event or activity;

4 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
5 properties consent, in writing, to the location; and

6 (G) Must comply with applicable health and fire and life safety requirements.

7 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
8 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
9 use permit that is personal to the applicant and is not transferred by, or transferable with, a
10 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
11 local standards that apply, and the agri-tourism or other commercial events or activities:

12 (A) Must be incidental and subordinate to existing farm use on the tract;

13 (B) May not, individually, exceed a duration of 72 consecutive hours;

14 (C) May not require that a new permanent structure be built, used or occupied in connection
15 with the agri-tourism or other commercial events or activities;

16 (D) Must comply with ORS 215.296;

17 (E) May not, in combination with other agri-tourism or other commercial events or activities
18 authorized in the area, materially alter the stability of the land use pattern in the area; and

19 (F) Must comply with conditions established for:

20 (i) The types of agri-tourism or other commercial events or activities that are authorized during
21 each calendar year, including the number and duration of the agri-tourism or other commercial
22 events and activities, the anticipated daily attendance and the hours of operation;

23 (ii) The location of existing structures and the location of proposed temporary structures to be
24 used in connection with the agri-tourism or other commercial events or activities;

25 (iii) The location of access and egress and parking facilities to be used in connection with the
26 agri-tourism or other commercial events or activities;

27 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
28 public roads; and

29 (v) Sanitation and solid waste.

30 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
31 or other commercial events or activities that occur more frequently or for a longer period or that
32 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
33 commercial events or activities comply with any local standards that apply and the agri-tourism or
34 other commercial events or activities:

35 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
36 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;

37 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;

38 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
39 and

40 (D) Do not exceed 18 events or activities in a calendar year.

41 (5) A holder of a permit authorized by a county under subsection (4)(d) of this section must re-
42 quest review of the permit at four-year intervals. Upon receipt of a request for review, the county
43 shall:

44 (a) Provide public notice and an opportunity for public comment as part of the review process;
45 and

1 (b) Limit its review to events and activities authorized by the permit, conformance with condi-
2 tions of approval required by the permit and the standards established by subsection (4)(d) of this
3 section.

4 (6) For the purposes of subsection (4) of this section:

5 (a) A county may authorize the use of temporary structures established in connection with the
6 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.
7 However, the temporary structures must be removed at the end of the agri-tourism or other event
8 or activity. The county may not approve an alteration to the land in connection with an agri-tourism
9 or other commercial event or activity authorized under subsection (4) of this section, including, but
10 not limited to, grading, filling or paving.

11 (b) The county may issue the limited use permits authorized by subsection (4)(c) of this section
12 for two calendar years. When considering an application for renewal, the county shall ensure com-
13 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and
14 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
15 authorized by the permit.

16 (c) The authorizations provided by subsection (4) of this section are in addition to other au-
17 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-
18 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial
19 events and activities.

20 **(7)(a) Subject to ORS 215.296, a facility may be located in an exclusive farm use zone if:**

21 **(A) The facility conducts cognitive, emotional, physical or psychological therapy or**
22 **counseling;**

23 **(B) The therapy or counseling directly or indirectly incorporates, in whole or in part,**
24 **activities that use nonclinical settings having farm, agricultural or livestock components;**

25 **(C) No new buildings to facilitate the activities are erected on Class I or Class II soils**
26 **on high-value farmland;**

27 **(D) The individuals conducting therapy or counseling activities are acting within the**
28 **proper scope of licenses issued in this state; and**

29 **(E) The facility and activities do not cause the removal of land from active agricultural**
30 **production. For purposes of this subparagraph, “active agricultural production” does not in-**
31 **clude the stabling or training of equines.**

32 **(b) Therapy or counseling activities that may be conducted at a facility described in this**
33 **subsection include, but are not limited to:**

34 **(A) The use of equine movement by physical therapists, occupational therapists or**
35 **speech-language pathologists to address impairments, functional limitations or disabilities in**
36 **patients with neuromusculoskeletal dysfunction;**

37 **(B) Experimental learning approaches that promote the development of life skills for ed-**
38 **ucational, professional and personal goals through equine-assisted activities;**

39 **(C) Interactive processes in which a licensed mental health professional working with or**
40 **as an appropriately credentialed equine professional uses equines to address psychotherapy**
41 **goals set forth by the mental health professional and the client;**

42 **(D) The use of equines in mounted or ground-based interaction with clients, following the**
43 **identification of critical dysfunction, to restore mental, physical and psychological health to**
44 **the client; or**

45 **(E) Physical, occupational, speech and mental health therapy activities that are specif-**

1 ically conducted in nonclinical settings, incorporating various mounted or ground-based
2 interaction scenarios with livestock or incorporating other farm, agricultural and livestock
3 setting components, to more effectively facilitate therapy reception in persons aged 18 years
4 or younger.

5
